

**LAKWOOD PLANNING BOARD
REGULAR MEETING
MINUTES
OCTOBER 17, 2006**

I. CERTIFICATION OF COMPLIANCE

Chairman Banas called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Mr. Kielt read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the Ocean County Observer and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and, a copy of this Agenda has been mailed, faxed or delivered to the following newspapers: The Ocean County Observer, or The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Banas, Mr. Klein, Mr. Gatton,

3. SWEARING IN OF PROFESSIONALS

Maxwell Peters and Marty Truscott were sworn in.

4. OLD BUSINESS

5. NEW BUSINESS

Mr. Banas asked if there were any changes to the agenda. Mr. Kielt replied that item **#6, SD 1549, Morris Weinberg**, he received letter from their attorney tabling this application to November 14, 2006 in this room.

On motion by Mr. Neiman and seconded by Mr, Herzl the application would be tabled until November 14, 2006

Mr. Banas stated that tonight’s agenda was very long, and asked for patience to get through as many applications as they could

1. **SD # 1533** (Variance requested)
APPLICANT: HARVARD STREET DEVELOPMENT
Location: Harvard Street, between Apple Street and Park Place
Block 171 Lots 11, 19 & 21
Preliminary & Final Major Subdivision for 9 lots

Mr. Peters stated the application requested major subdivision approval to divide 3 residential lots into 5 lots for 4 duplex units and one single family home on a flag lot. The property is known as Block 171 Lots 11, 19 & 21. The property is located on Harvard Street in the R 7.5 zoning district. The applicant has provided an average of 2.5 parking spaces per duplex unit and 3 off street parking spaces for the flag lot. The board should determine if the provided number of off street parking spaces will be sufficient for the size and the proposed number of dwelling units. Lot 11.05 does not provide frontage on a public street, requiring a variance. Access to lot 11.05 will be provided via an access easement. The final plat indicates a variance is requested for the lot area for lot 11.05. This is incorrect, and no variance is required. The applicant has provided a 6 foot wide shade tree easement, along the property frontage. The easement shall be noted as being dedicated to Lakewood Township. It appears the applicant has provided curb and sidewalk along the property frontage. The proposed improvements shall be clearly labeled on the site development plan. The stormwater management for the project will be achieved by perforated recharge pipes. The board should determine if Lakewood Township will assume maintenance of the stormwater management system or if a homeowners association should be formed to maintain the system. The plans have been revised to show a 25 foot wide access easement. However, the easterly easement line runs along a dwelling on lot 11.-03 and the westerly line is 3 feet from the building wall on lot 11.02. This creates a potentially dangerous situation. In accordance with checklist items B7 and B10, wooded areas in manmade features within 200 feet of the site shall be shown on the plan. The applicant should show the existing homes and landscaping surrounding the development to ensure the proper screening shall be achieved. There are some minor comments regarding the Map Filing Law.

Mr. Truscot read the report from Mr. Slachetka, dated May 11, 2006. The same proposal is requested as above with the property being 1,12 acres in area. The site is located on the north side of Harvard Street, approximately 105 feet west of Apple Street, The parcel contains 3 single family dwellings, all of which will be removed. Duplex housing is a permitted in the R 7.5 zone on a minimum lot size of 10,000 square feet. Proposed lot 11.05 has no frontage on Harvard Street since an access easement is proposed. A variance is required pursuant to NJSA 40: 55D-35. Under review comments, we note sheet 8 should be updated to show the revised lot configuration. Section 805.G flag lots of the UDO should be addressed which requires the applicant to demonstrate a need consistent with good planning principles for the creation of a flag lot and demonstrate the normal subdivision techniques are not practical, Due to the configuration of the access easement, through the middle of lots of 11.02, 11.03, the side yards of both yards are encumbered by the driveway and the landscaping. There is a loss of privacy and limitation of the side yard area. On sheet 3, no curb cut is indicated for the driveway access easement to lot 11.05. Landscape screening should also be provided along the northeast perimeter of the paved parking area of proposed lot 11.05 and the balance of the comments are technical in nature.

Mr. Penzer Esq, appearing on behalf of the applicant. He stated that the applicant is withdrawing the request for the flag lot. The following items are moot on the report of Mr. Slachetka; items C2, C3, C4, C5, and C6 are eliminated, also B2. On Max's report, items 3, 4 has been fixed, and item 8 is eliminated. Mr. Banas asked why the plans were not revised accordingly, and Mr. Penzer stated they just got permission from the client to do that.

Mr. Flannery was sworn in and stated the application, as submitted, with the flag lot, was a completely conforming application, The applicant felt he was entitled to it, he now feels different. Mr. Banas asked whether the board should hear this application, being the changes are being made so late, and asked what date that the applicant was going to remove these conditions. Mr. Flannery said they have been twisting his arm for 2 months and he conceded earlier in the day. The modifications that Mr. Penzer indicated is very simple, the driveway is being eliminated, no longer an access easement. A member of the board asked that since this has been going on for some time, can't they wait a couple of weeks so the professionals can review the revised plans. Mr. Penzer said they have been waiting since May, and if that was the case they were ready to proceed with the flag lot and go back on. Mr. Banas said he thinks the board, himself included, is ready to reject this application. He would rather see it, completely done over with the lines drawn, so the professionals can look at it in its revised form, and would be in the applicants advantage to resubmit to a tech meeting for discussion. Mr. Flannery argues for the board to hear the application with, what he feels are minor modifications. Mr. Banas was firm in his opinion to revise and resubmit. Mr. Neiman has questions regarding the revisions and agreed with Mr. Banas. Mr. Franklin also had concerns. Mr. Kiert requested a vote due to the heavy agenda. Mr. Banas asked the opinion of Mr. Peters, who stated that he has seen similar changes made at the public hearings, and they would not be encroaching in areas where there would be variances incurred by this property, and they would be improving it by getting rid of that lot and putting a lot line straight back. The applicant's professionals agreed to put the lot line straight back. Mr. Banas asked for Mr. Truscott's opinion, whose opinion was the same as Mr. Peters, it was up to the board; they could envision what the changes were. Mr. Banas concluded they could continue with it, as long as they were in agreement that the lot line was going straight back and they were eliminating any possibilities forever and more.

Mr. Flannery stated with that modification, it was a 4 lot subdivision, the comments in the reports from the professionals were minor in nature, and they agree to comply with them. The one that requires a comment is with respect to the stormwater management system. That would be maintained by a homeowners association and the applicant will provide those documents to the board as requested by the board.

Mr. Neiman asked if the application now required a variance, and the answer was no. The access easement was the only variance, and that was gone now. Mr. Neiman asked about the duplex, and Mr. Flannery stated these would be 4 lots in excess of 10,000 square feet. If the owner wanted they could build a single family home on each one of those 4, but they are also entitled to build a 2 family house. Mr. Jackson asked for an exhibit to be marked A-1 (sheet 3 of 9) to show that each line goes straight back to the end of the property. Mr. Flannery stated they could modify it very easily, the lot line in between the most

westerly lot extends to the rear, the lot line in the center extends to the rear, and the 2 lots on the easterly side already extends to the rear, in a straight line. Mr. Gatton had a question if the professionals agree with the points that Mr. Penzer said are dropped are dropped.

Mr. Peters agreed with the list, and Mr. Truscott agreed also. Mr. Jackson requested the Mr. Flannery testify through the chair, to the aspects of this plan, so that a resolution can be prepared between now and the modified plans, Mr. Flannery testified that the flag lot will be eliminated, the lot lines for the other 4 lots, the 3 interior lot lines will be extended to the rear property line we are left with 4 conforming lots conforming to the R7.5 zone all in excess of 10,000 square feet. Mr. Franklin had a question whether this would be a 4 lot with an association, and Mr. Flannery concurred.

Mr. Banas opened the application to the public.

Bill Hobday, 30 Schoolhouse Lane, Lakewood was sworn in. He stated that this was highly unusual; didn't the proposal have to be completed prior to the meeting and not changed at meeting time in order to adhere to the standards so the professionals have time to see the final drawing and not one that will be modified on the fly? What compels the petitioner to even do it once it is passed. The applicant should have modified the plans before the meeting, Mr. Jackson responded that it is acceptable for a board even at the meeting, The board could have given its approval before the modification based on testimony. This situation was that the applicant came in, they eliminated the flag lot making it more conforming, it is a fully conforming application, and straight forward conceptual change and this is not unusual. Mr. Banas stated that the application has not yet been approved. Mr. Hobday thought the board is very benevolent, because if someone was negotiating this for months, and waited until an hour before the meeting to modify his plan, he didn't show good faith, what he showed was that he had no other alternative if he wanted this approved; therefore, he should be held to a better standard and get it in on time or we will send it back for you to do so the next time. Mr. Banas said that was a possibility.

Mr. Herb Cottrell, 111 Harvard Street, Lakewood, was sworn in. He stated he lived on Harvard Street for 30 years. It is an older neighborhood, world war II generation. This is a significant change in the density of that street and he sees the potential of where you go from 18 homes to a possibility of 40 dwellings on this street. Is the water and sewer going to be able to support that? There are 20 or so bathrooms on this street now, and you are going to have possibly 80 or more. There is little room in these developments for open or play space and if you look at the plans, each one has 6 to 8 bedrooms with full basements. History shows the basements become living space. The board in the past has said 6-8 bedrooms require 4 parking spaces, and feels there is not adequate parking for this. There is also a situation on Harvard Street where they back up to the Cabinfield Creek and have a high water table and he regularly gets water in his basement, There will be additional impervious space, There is also a situation where the storm drain in a heavy rain, not even being blocked up, the water builds up at the curb and it can be quite wide. He also is curious that there are 8 condominiums, who is the condominium association to maintain the sidewalks, and roofs etc. Mail is also delivered to them for East Harvard St., and the housing numbering will be inconsistent, and could be a potential problem with

not finding a dwelling in an emergency. He also stated the width of Harvard Street being 29 feet 8 inches wide, a very narrow street, and they already have an issue with parking. In winter you can not pass 2 cars on that street, and at the end of Harvard Street, the intersection with Park Place is difficult to negotiate, and if the parking issue is not addressed it will be a problem. The last issue to be addressed is if there is an accident on County Line Road, they put all the traffic on Harvard Street, which parallels it, so safety is an issue,

Mr. Banas acknowledged Mr. Cottrell concerns about the water and sewer, and Mr. Flannery testified that the water and sewer would be provided by New Jersey American Water Company and would be adequate capacity. A new condo association would be formed for these 4 new lots. Mr. Banas stated they would speak in detail about the parking. Mr. Cottrell was concerned if the water and sewer that was designed for single family homes would be adequate not only for these but 40 units is a lot more bathrooms and the water and sewer were put in over 30 years ago, Mr. Banas stated before a CO is issued, that would be resolved with the developer and the water company and the health department. Mr. Flannery stated NJAWCO has guidelines from the DEP which are specific on the capacity. The sewer line is 8 inches there, and can handle 600 some homes, and if they didn't, the permits would not be granted by the DEP

Mr. Ellsworth Moore Jr. 606 East County Line Road was sworn in. He is totally against this development, mainly based on the traffic and the density of the area. There is a townhouse unit on Squankum Road which backs to Park Place. There are 6 townhouses there with 15 parking spaces in the back which enters County Line Road from Park Place. Now these new duplexes are going in from County Line Road from Park Place or Apple Street. This application was first at the Zoning Board, asking for 11 townhouses and it was denied based on density. Mr. Mack stated this was an area of many small lots and is already fairly dense, and sees no advantage to increase the density of this neighborhood to this extent. Mr. Banas stated you can't read zoning board reports, if the qualifications for density were not met here, it would not be before the Planning Board it would be before the Zoning Board. Mr. Moore said they would not enhance the area, these duplexes, condos, they don't belong in this area, they are too big. The traffic problem, because the county is planning to widen County Line Road from Squankum to the railroad track, which would bring traffic going in and out of the area. He has pictures of the area, and shows the upkeep of the block and who keeps up with their property. Mr. Banas felt they had no policing powers to keep someone from developing their property. He had the county's projected road widening and it's potential problems. Mr. Jackson stated that the board has the plans, and that Mr. Penzer should address the board on the plan.

Mr. Moore questioned whether the basements would have front entrances, Mr. Flannery stated they were there for the subdivision, 4 conforming lots and then the application will be coming in sometime in the future to build 4 conforming structures. They have indicated the type of units he intends to build, they go to the building department with those plans, provided parking as required by the RSIS, provides all the setbacks and gets a building permit. Mr. Jackson felt that Mr. Moore had a valid question, as it has an impact on RSIS and also a concern that the board has had. Mr. Flannery stated a subdivision does not require architectural, but were provided because the board likes to see them. Mr. Moore questioned the height, and was told 35 feet. He is also concerned about the basements,

and front entrances to them. Mr. Flannery stated the plans submitted show basements with front entrances.

Gerry Ballwanz, 208 Governors Road, Lakewood was sworn in. She talked about a magic act. She spoke at the public portion of the May 16th meeting, the last time this was scheduled for a public hearing and questioned the legality of duplexes being permitted in the R 7.5 zone. She believes the UDO was not done without the thorough review of this planning board as mandated. It was not the same document that was reviewed and questions the validity of the UDO. She is contesting the legality of duplex in this zone. Mr. Penzer stated this is no magic act and if you have 10,000 square feet you are allowed a duplex, and they conform.

Mr. Jackson stated this is a situation in which an objector is asking the board to make a determination that an ordinance enacted by the Township Committee is invalid and improperly done. This is not the proper forum for that, and unusual for the board to make that finding. He said they could make her exhibit and her recourse would be an appeal.

Mr. Penzer, objected to the reading of Mrs. Ballwanz's presentation, furthermore, if a grounds for appeal will be filed, he is stating he will seek attorney fees. It is his legal opinion, this is spurious ground without any foundation for an appeal. It is improper, she is not an attorney and he objects and this should be stopped, and Mr. Jackson should cease inference to say it is a ground for an appeal.

Mrs. Ballwanz question was when did the Planning Board approved the use to allow the duplex in the R7.5 zone when they were reviewing the UDO? The only documents the board had were in the R15 zone and the board did not approve duplexes in the R7.5 zone. It was missing from that document, and it disappeared from the document from the R15 and put on the R7.5 zone when the Township Committee approved it 6-8 weeks later. This is the first application to be heard under the new UDO for this zone and for duplexes.

Mr. Banas asked Mr. Kiert the procedure to handle the UDO document to review to see if it was consistent to the 1999 Master Plan and found that it was. Mr. Kiert concurred, however, he thinks that what Mrs. Ballwanz is saying is that somewhere between when the Planning Board reviewed the document and made their recommendation, and the Township Committee acted on the document, she is suggesting it was not the same document. She concurred, and said changes were made, changes Mr. Kiert said were made but could not say word for word what changes were made. Based on what information you presented Mr. Kiert, Mr. Banas stated he would have to research the document and if there is an inconsistency I am sure Mrs. Ballwanz will pursue it, and thanked Mrs. Ballwanz for bringing this up. She feels that maybe this application is not a duplex but a quad-plex with the basements. The question of parking came up. Mr. Jackson asked her exhibit be marked Baldwin1 for the exhibit and Mr. Penzer objected to the marking and objected to the entire line of questioning and wants to tell the board he has done numerous applications for duplexes to this board.

Mr. Cottrell appeared to address the board again. He has a concern that if they are not approving a site plan, will they be notified when they are going to build, based on his concerns for the water tables, the parking, etc. Mr. Banas asked that Mr. Flannery clarify

that for Mr. Cottrell. Mr. Flannery stated they go to the building department and they have rules that govern and the public has no input. If you do a site plan for multi family that is a different situation, then the planning board approves the particular building that is being built, but a subdivision application, the board approves the subdivision of the land and then the construction on that land has to conform with all the laws with the building department.

Mr. Banas agreed but said that on these plans, he did identify what type of home you are proposing, the number of bedrooms, the number of parking spaces, but nothing about a basement. Mr. Flannery stated typical building plans were provided to the board, and they did provide basement. The applicant doesn't need approval for these buildings, all he needs approval for is the subdivision of the land. In the past the board has asked for an agreement from the applicant on the number of parking spaces, drainage improvements, and addresses those issues.

Mr. Moore stated he remembered from past meetings, the board has placed restrictions like full basements in these types of situations. Mr. Banas agreed that has happened in the past. Mr. Banas understands Mr. Moores' concerns.

Mr. Penzer stated there is a objector who has been more than patient with this application for months and has come into his office to see him about this. He has changed the application to the best interest of the public, There is no legal reasons for this application to be denied.

Seeing no one else wishing to speak for or against the application, Mr. Banas closed the public hearing.

Mr. Banas stated they needed to talk about the basements. They need to provide more parking. How are they going to get out front or back out? Mr. Flannery stated they will back out. Mr. Banas said that now that there is no flag lot, you could make more room to make the cars come out front way. Mr. Flannery said Harvard Street is a local street, lightly traveled street and to make a requirement to make the driveways turn around on a 4 lot subdivision would be onerous. Mr. Banas suggested instead of 4 parking spaces, there should be 6. Mr. Flannery and Mr. Penzer stated the applicant would agree to 6. Mr. Neiman had a question whether there was parking on both sides of Harvard Street, and was told there was. His concern was that maybe there should only be parking on one side, which would be put in the resolution that the applicant request the Township Committee have an ordinance for parking on one side of the street only.

Mr. Kiert had a question for the board. He was approached by Mike Saccamanno, the construction official a month or 2 ago. He has requested that whenever we have a project with a basement, that we specifically put in the resolution what the board's feeling is to what is permitted in that basement. He gets plans for the basements and needs to know what was approved. Mr. Flannery argued the point but the board felt it was valid. Mr. Flannery said they wanted everything that the BOCA code. No kitchens would be in the basement. One service for each duplex. Two living units on one piece of property. Mr. Neiman had one other point, the plans show 4 bedrooms in each duplex. Mr. Flannery said this is typical of what the applicant plans to build.

Mr. Klein had a comment, being the lot lines don't follow the character with the rest of the lots in the area. Mr. Flannery stated that is for the purpose of the subdivision, and it lays out for the better utilization of the dwellings if they are perpendicular to the right of way, which is the consistent to the ordinance.

A motion was made by Mr. Neiman to approve with the following stipulations: elimination of the flag lot; flag lot lines going straight to the back; 6 offsite parking; recommending to the proper agency for parking on one side only on Harvard St.,; no kitchens in basement; one service, 4 lot homeowner association. Motion seconded by Mr. Herzl.

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

Mr. Banas called a 2 minute recess.

Mr. Banas called the meeting back to order.

Mr. Banas stated that all the items will not get heard. Everything from item #4 down be carried until November 14th. Mr. Alfieri is the attorney for #4. He stated there is an application, Majestic Homes that would take several hours. Mr. Kielt stated if that were the case, the board should make a decision to carry everything to December. Mr. Banas still kept the carry date to November 14th. Mr. Alfieri also is the attorney for #7 Seymour Investments. Mr. Penzer stated he is the attorney for # 8 & 9

Mr. Neiman motioned for #4 SD 1559 & #7 SD 1550 to be carried to the November 14th meeting, and seconded by Mr. Klein

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

Mr. Jackson stated the applications for SD1550 Volodimir & Alla Kurteev and SD 1550 Seymour Investments LLC are carried to November 14, 2006 at 6pm. No further notice is required.

Mr. Shea is the attorney for #5 SD1545 & #12 SD 1566, and agreed to be carried to December 19, 2006

Mr. Herzl motioned and seconded by Mr. Klein SD1545 and SD 1566 be carried to the December 19, 2006

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

Mr. Jackson stated the applications for SD1545 319 Prospect St. and SD 1566 David Herzog are carried to December 19, 2006 at 6pm. No further notice is required

Mr. Penzer stated he is the attorney for # 8 SD 1552 & #9 SD 1554 and agreed to be carried to December 19, 2006

Mr. Neiman motioned and seconded by Mr. Herzl be carried to the December 19, 2006

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

Mr. Jackson stated the applications for SD1552 Moshe Mendlowitz and SD 1554 Marielle Aryeh LLC are carried to December 19, 2006 at 6pm. No further notice is required

John DeVincens Esq. for behalf of Homes for All and STEPS and agreed to be carried to the December 19, 2006

Mr. Herzl motioned and seconded by Mr. Klein be carried to the December 19, 2006

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

Mr. Jackson stated the applications for #10 SD1562 Homes for All (STEPS Inc.) is carried to December 19, 2006 at 6pm. No further notice is required.

Mr. O'Malley on behalf of #11 Harrogate and agreed to be carried to the December 19, 2006

Mr. Klein motioned and seconded by Mr. Herzl be carried to the December 19, 2006

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

Mr. Jackson stated the applications for #10 SP 1854 Harrogate is carried to December 19, 2006 at 6pm. No further notice is required.

2. **SD # 1529** (No variance requested)
APPLICANT: MATHIAS DEUTSCH
Location: East Harvard Street, east of Park Place
Block 170 Lots 7,8 &9
Minor Subdivision to create two duplex buildings- 4 lots total

Mr. Peters stated applicant has requested minor subdivision approval to consolidate a number of lots containing 3 existing single family homes to create 2 lots for 2 duplex units. The property is located on Harvard Street with a double frontage on an unnamed paper street. The site is located in the R 7.5 zoning district. The applicant will be required to obtain all outside agency approvals. The applicant has provided a 6 foot wide shade tree easement along the property frontages to be dedicated to Lakewood Township. 3 parking spaces have been provided for each lot in accordance with RSIS. Sidewalk and driveway aprons have been added along the property frontage. Should the board approve the subdivision, the existing residences shall be razed prior to the signature on the final map or a bond posted to ensure prompt removal once the map has been filed. A note has been added to the final map restricting access to the unnamed paper street. Minor comments pertaining to The Map Filing Law.

Mr, Truscott, read the report dated May 12, The parcel contains 3 single family dwellings and 2 detached garages which will be razed. The tract is 22,336 sq.ft. of .51 acres in area. The subject site is located on the south side of Harvard Street and each of the 3 lots also have street frontage in the rear of the lot on an unnamed paper street. Duplex houses are permitted on minimum lot size of 10,000 sq. ft. in the R 7.5 zone. The following comments are given; since the new lots front on 2 parallel streets, they meet the definition of through lots in Section 805F of the UDO requires that newly created through lots provide a landscape buffer of a minimum width of 5 ft. along the secondary frontage. Note 1 of the subdivision plat indicates that lot 7.01 and 7.02 be deed restricted to prohibit driveway access onto the unimproved street. The board attorney should review the form and content of the deed restriction document. Compliance of The Map Filing Law and RSIS is required. The architectural plans have been submitted for review by the planning board and the plans show 4 bedrooms in each dwelling with a bathroom on the 3rd floor. Under #5 we note that off street parking for 3 vehicles is proposed for each lot. The plans should be revised the show the RSIS requirements for off street parking requirements should be addressed based on the number of bedrooms, and #6 is the outside agency approvals.

Mr. Penzer Esq. appearing on behalf of the applicant. He stated that now that they know what the board wants, they will provide 6 parking spaces per duplex, as they did on the previous application, no kitchen in the basement.

Mr. Flannery was sworn in. This application is a minor subdivision to create two conforming lots. They will stipulate 6 parking spaces per duplex with no kitchens in the basement. The other comments in the reports are minor in nature and we will provide all that information except item C1 indicates a deed restriction for no access on the unnamed paper street, which is an unimproved roadway in the rear. Our preference is to note that on the final plat; additionally, will provide a 5 foot buffer as indicated in C1 of Stan Slachetka's report, and will comply with everything else. Mr. Banas would rather have the deed restriction, as a buffer can be cut through. Mr. Franklin states there is a tract behind

there that is for sale, and the wetlands are farther behind that. The key map will be moved closer to the first page.

Mr. Klein, questioned Mr. Flannery on the statute showing the lot lines not perpendicular to the road. Mr. Flannery stated this is a smaller parcel. A design waiver should be noted because the lot line is required to be at a right angle to the street line.

Mr. Kielt requested same stipulation as last time, No kitchens in basement, One service per unit.

Mr. Banas opened the application to the public.

Mr. Herb Cottrell, 111 Harvard Street, Lakewood, was sworn in. He questioned the same concerns in the significant changes in density in the neighborhood, and now you have right across the street, another set of duplexes, the same point stand. In this situation, there is no room for play area, and how are the parking spaces going to be aligned, straight across the front of the duplexes. Mr. Flannery stated it is a double driveway for 2 vehicles next to a single driveway on the left side of the lot and a duplication of that on the right side of the lot. This is even closer to Cabinfield Creek, and the town has taken remedial efforts by the railroad tracks, but it has not cured it. Is there a possibility this can be kept as open space? Mr. Penzer though the open space idea was great and would welcome that. Mr. Banas said the Township Committee could answer that. He is also concerned that these property owners have let their property down. Also concerned about the house numbers being inconsistent. Parking was also questioned about parking on one side of the street. He believes they should include Apple Street and Park Place.

Mr. William Hobday, 30 Schoolhouse Lane, Lakewood was sworn in. He is concerned with the high water level and wondered if it came under the DEP to determine if this is a feasible building and also have the county give approval Mr. Flannery stated it is not wetlands, and there are existing buildings on the site.

Mrs. Gerry Ballwanz, Governors Road, Lakewood was sworn in. Her concern with the sogginess and the basements, maybe they should be on slabs. The density is quite high, and she reiterated the question of whether the board approved this high density. She heard Mr. Penzer state they he is for preserving the open space behind this property, that 10 acres of land that is zoned B4, she would like for him to reiterate that, and hope the Master Plan committee put that in as open space,

Mr. Ellsworth Moore Jr., 606 East County Line Road, Lakewood was sworn in. He is happy with the traffic situation being one side parking. Mr. Pezer stated that there is one owner per duplex., with 2 households per duplex.

Seeing no one else wishing to speak for or against the application, Mr. Banas closed the public hearing.

Mr. Penzer stated this is an application with no variances, and have accommodated all the boards wishes, except this application will have no homeowners association.

Mr. Gatton has a concern that in an area with this kind of water level that we would allow the building of a basement. Mr. Flannery stated that Trident Environmental did testing and that the water depth is deep enough that a basement can be constructed.

A motion was made by Mr. Herzl to approve this application subject to one meter in the basement, no kitchen in the basement, 6 parking spaces, and all other things discussed except for a homeowners association. Seconded by Mr. Neiman.

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

- 3. SP # 1850** (No variance requested)
APPLICANT: **212 SECOND STREET HOLDINGS LLC**
Location: Second Street, west of Lexington Avenue
Block 121 Lots 12 & 13
Preliminary and Final Site Plan for proposed retail and office building

Mr. Peters stated the applicant is seeking preliminary and final site plan approval to construct a 5 story retail/office building located on 2nd Street between Clifton and Lexington. The approximate .25 acre property is located in the B2 business zone, The B2 zone does not have bulk standards for the lots or parking requirements, therefore no variances are required. Outside agency approval will be required from the Ocean County Soil Conservation District. Evidence of approval shall be made a condition of final site plan approval, The applicant shall submit a signed sealed copy of the outbound survey, which he has received. The type B inlet detail shall be revised to show a type bent echo type curb piece be installed. Second Street and the utilities within Second Street will be reconstructed in the near future. The applicant will coordinate with the Township on the installation of the required utilities. In revised architectural plans show 2 new access points to the building, one on the side, one in the rear. The new door shall be shown on the site plan with walkways shown to each door.

Mr. Truscott read from report dated October 13, 2006. Applicant proposing 47,102.5 feet of mixed retail office space. The presently vacant site has an area of 14,100 square feet. Review comments show architectural drawings indicate applicant proposing 4 ground floor retail units and a total of 25 offices which will be distributed among the 5 stories of the proposed building, and the revised architectural plans show lighting as requested, The landscaping plan has been provided in conjunction with the walkway on the east side of the building. Any approvals should be on the condition of the consolidation of lots 12 & 13 and all outside agency approvals must be addressed.

Mr. Penzer, Esq. appeared on behalf of the applicant. He noted the reports are short and the plans were submitted in timely manner. He agreed with the comments in Max's report, and will put in the doors on the plans. On Mr. Slachetka's report, all the items A, B, & C are not a problem, and agreed with all other conditions of the report.

Mr. Neiman question the parking, Mr. Penzer stated there is sufficient parking, and maybe the applicant could help with re striping to help with the parking. Mr. Banas was asking if this is what the building is going to look like. Mr. Praver stated the building will look like this.

Mr. Banas opened the application to the public.

Seeing no one wishing to speak for or against the application, Mr. Banas closed the public hearing.

A motion was made by Mr. Neiman with the stipulations made by the professionals and was seconded by Mr. Klein

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

6. MEMORIALIZATION OF RESOLUTIONS

1. SD# 1479 (Variance requested)

APPLICANT: SHLOMO KATZ

Location: corner of Cedarview Avenue & Fourteenth Street
Block 39 Lot 4

Extension of previously approved Minor Subdivision to create two lots

On motion by Mr. Neiman and seconded by Mr. Herzl the resolution was hereby memorialized

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

2. SD # 1553 (Variance requested)

APPLICANT: THE TEEN CENTER FOR EDUCATION & OPPORTUNITY INC.

Location: East 8th Street, between Middlesex Avenue & Somerset Avenue
Block 217 Lots 1, 3 & 4

Minor Subdivision for 4 single family homes

On motion by Mr. Neiman and seconded by Mr. Herzl the resolution was hereby memorialized

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

3. **SP # 1848** (Variance requested)
APPLICANT: **THE TEEN CENTER FOR EDUCATION & OPPORTUNITY INC.**
Location: East County Line Road & Somerset Avenue, north of Cabinfield Circle
Block 208.01 Lots 10.03 & 71
Preliminary and Final Site Plan for 2 story school

On motion by Mr. Neiman and seconded by Mr. Herzl the resolution was hereby memorialized

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

4. **SD # 1547** (Variance requested)
APPLICANT: **SAM & HENNA BAUMAN**
Location: Woodland Drive, west of Hillridge Place
Block 12.04 Lot 101
Denial of a Minor Subdivision to create two lots

On motion by Mr. Neiman and seconded by Mr. Herzl the resolution was hereby memorialized

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

5. **SD # 1556** (Variance requested)
APPLICANT: **JOSEPH GOLDBERG**
Location: corner of Hope Chapel Road & Miller Road
Block 7 Lots 15 & 52
Minor Subdivision from 2 lots into 3 lots

On motion by Mr. Neiman and seconded by Mr. Herzl the resolution was hereby memorialized

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

6. **SD # 1558** (Variance requested)
APPLICANT: **YITZCHOK SINGER**
Location: northwest corner of Sunset Road and Central Avenue
Block 75 Lot 14
Minor Subdivision to create two lots

On motion by Mr. Neiman and seconded by Mr. Herzl the resolution was hereby memorialized

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

7. CORRESPONDENCE

None at this time.

8. PUBLIC PORTION

Mr. Penzer spoke with Mr. Jackson with regard to 401 Madison with regard to parking, and the parking from Econo Lodge was to be used. Mr. Jackson wants direction from the board about the lease. Mr. Penzer can not get financing and has a problem recording it with a 20 year lease. A notation will be put in the lease stating that the township or its' designee has the power to enforce the lease (a third party beneficiary). All members present were in agreement. Mr. Neiman questioned the signs about the parking, xxx number of spaces would be designated for parking with time limits.

9. APPROVAL OF BILLS

On a motion from Mr. Neiman and seconded by Mr. Herzl the submitted bills were hereby approved for payment.

ROLL CALL: Mr. Herzl, yes: Mr. Franklin, yes: Mr. Neiman, yes: Mr. Banas, yes:
Mr. Klein, yes Mr. Gatton, yes.

10. APPROVAL OF MINUTES

None at this time.

11. ADJOURNMENT

Mr. Banas spoke about the next meeting, It should be a long one. He spoke about presentation of the items. Seven sections of the re-examination of the Master Plan, He thought he would do a section at a time, for discussion and vote. No private discussions among members.

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Chris Johnson
Planning Board Recording Secretary